

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re application of:

David BOTSTEIN, et al.

Application Serial No. 09/997,614

Filed: November 15, 2001

For: **SECRETED AND TRANSMEMBRANE
POLYPEPTIDES AND NUCLEIC
ACIDS ENCODING THE SAME**

) Examiner: Wegert, Sandra L.

) Art Unit: 1647

) Confirmation No. 7398

) Attorney's Docket No. 39780-2730 P1C29

) Customer No. 35489

EXPRESS MAIL LABEL NO. EV 765 978 090 US

DATE MAILED: JULY 5, 2006

PRELIMINARY AMENDMENT

MAIL STOP RCE

Commissioner for Patents

P.O. Box 1450

Alexandria, Virginia 22313-1450

Dear Sir:

On October 20, 2004, the Examiner made a final rejection to pending Claims 119-126 and 129-131. A Notice of Appeal was filed on January 20, 2005, and Applicants' Appeal Brief was filed on August 22, 2005. An amended Appeal brief was filed October 28, 2005 and a second Notice of non-compliance was mailed January 23, 2006 by the PTO.

Applicants submit herewith a Preliminary Amendment, which accompanies a Request for Continued Examination under 37 C.F.R. §1.114 for the above identified application, with a request of five-months extension of time with necessary fees. Applicants' arguments presented in the previously filed Appeal Brief are incorporated herewith in their entirety.

This Preliminary Amendment is concurrently filed with an Information Disclosure Statement with additional references in support of the Applicants' arguments and with the submission of a new Declaration under 37 C.F.R. §1.132 by Dr. Paul Polakis with Exhibits A and B. Entry of these documents and consideration of the following arguments is respectfully requested.

Remarks/Arguments begin on page 2 of this paper.